

DETAILED ACTION

The amendments and responses filed on 3-14-2011 and 5-18-2011 are acknowledged. In the amendment filed on 3-14-2011, Claims 28, 32-34, 56-60 and 64 have been amended, claims 35-41 and 63 have been canceled and claims 131-140 have been added. In the amendment filed on 5-18-2011, claims 28 and 56 have been amended, claims 32-34, 57-59 and 137-138 have been canceled and claims 141-148 have been added.

Claims 1-31, 42-56, 60-62, 64-75, 84, 93, 94, 102, 103, 105-109, 111, 116-136 and 139-148 are pending. Claims 1-27, 42-55, 65-75, 84, 93, 94, 102, 103, 105-109, 111 and 116-130 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Claims 28-31, 56, 60-62, 64, 131-136 and 139-148 are currently under examination.

Information Disclosure Statement

The Information Disclosure Statements filed on 3-14-2011, 5-18-2011, 6-8-2011 and 7-15-2011 have been considered. Initialed copies are attached hereto.

Priority

Applicant's claim for priority under 35 U.S.C. 120 and 119 (e) is deemed perfected in light of the amendment to the specification.

Specification

The objection to the specification for the use of the multiple trademarks/tradenames is withdrawn in light of the amendment thereto.

Claim Rejections Withdrawn

The rejection of claims 28-41 and 56-64 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is withdrawn in light of the amendment thereto.

New Grounds of Rejection

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 28-31, 56, 60-62, 64, 131-136 and 139-148 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants are directed to MPEP 2173.05(s) "Reference to Figures or Tables Where possible, claims are to be complete in themselves. Incorporation by reference to a specific figure or table "is permitted only in exceptional circumstances where there is no practical way to define the invention in words and where it is more concise to incorporate by reference than duplicating a drawing or table into the claim. Incorporation by reference is a necessity doctrine, not for applicant's convenience." *Ex parte Fressola*, 27 USPQ2d 1608, 1609 (Bd. Pat. App. & Inter. 1993) (citations omitted)." Since the sequences are easily presented by reference to a sequence identifier and nucleotide residues, the sequences do not fall under the category of "exceptional circumstance".

Claims 135 and 136 are rendered vague and indefinite by the use the phrase "includes a human Sir2 protein". It is unclear what is meant by the term "includes". Is said term meant to

indicate that the claimed protein is a chimera or fusion protein? As written, it is impossible to determine the metes and bounds of the claimed invention.

Claims 132 and 134 are rendered vague and indefinite by the use the phrase “includes a recombinant Sir2 protein”. It is unclear what is meant by the term “includes”. Is said term meant to indicate that the claimed protein is a chimera or fusion protein? As written, it is impossible to determine the metes and bounds of the claimed invention.

Claims 28-31, 131-132, 135-136, 139 and 141-144 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the specific steps required to “measure the NAD-dependent deacetylation activity of a Sir2 protein”.

Conclusion

No claim is allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT A. ZEMAN whose telephone number is (571)272-0866. The examiner can normally be reached on Monday- Thursday, 7am -4:00 p.m. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol can be reached on (571) 272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert A. Zeman/

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Primary Examiner, Art Unit 1645

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